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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11388

Application of

Nathaniel Christopher Herwig et al.

Serial No. 10/659,659

Group Art Unit: 2876

Filed: September 10, 2003

Examiner: E. Labaze

For: **COMPUTER PERIPHERAL WITH INTEGRATED PRINTER
AND BAR CODE READER**

MS Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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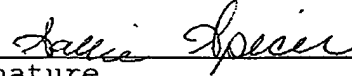
Fax Transmittal Sheet	1 page
Notice of Appeal	1 Page
Appeal Brief transmittal	1 page
Appeal Brief	17 pages
Total	20 pages

November 21, 2008

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Sallie. Spicer

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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(37 CFR 1.8a)

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11-21-2008

Date

Sallie Spicer
Sallie Spicer

Sir:

Applicants hereby resinstates the appeal to the Board of Patent Appeals and Interferences following the Office Action dated August 19, 2008, which rejects claims 1-10. The item(s) checked below are appropriate:

1. ☒ Extension of time 1 month(s).
2. ☐ Appeal fee amount: \$540.00
☐ Enclosed.
☒ Not required (fee paid in prior appeal).
3. ☒ Charge to Deposit Account No. 14-0225.

Respectfully submitted,



Attorney for Applicants
Paul W. Martin
Reg. No. 34870
(937) 445-2990

Dayton, OH

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CODE READER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing is an Appeal Brief to the Final Rejection dated
August 19, 2008.

☒ Fee not required (fee paid in prior appeal).

☒ Please charge any additional fees to the account of NCR Corporation, Deposit
Account No. 14 0225.

Respectfully submitted,



Paul W. Martin
Reg. No. 34,870

NCR Corporation
Dayton, Ohio
Tel. No. (937) 445-2990
Fax No. (937) 445-6794

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11-21-2008

Date

Sallie Spicer

APPEAL BRIEF

Sir:

This is an appeal brief submitted in connection with a reinstated appeal following the Office Action dated August 19, 2008 rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(iii) STATUS OF THE CLAIMS

Claims 1-10 are pending in the application.

Claims 1-10 stand rejected.

Claims 1 and 7-10 are appealed.

There are no cancelled or withdrawn claims.

(iv) STATUS OF AMENDMENTS

Appellants did not file a Response subsequent to the Office Action of August 19, 2008.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 7, 9, and 10 relate to a computer peripheral.

As embodied in claim 1 the invention includes

(Figs. 1-2; page 3, lines 5-13; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 7 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 9 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code

data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

As embodied in claim 10 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

Claim 8 relates to a transaction system. As embodied in claim 8 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a controlling transaction computer at a checkout station, including a universal serial bus controller; and
a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the sale of the products completed by the transaction computer.

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 7-10 stand rejected under 35 USC 103(a) as being unpatentable over Narusawa (6,947,171) in view of Itkis (2002/0094860).

(vii) ARGUMENT

Narusawa discloses a multifunction printer including a USB hub. The printer is a photograph printer. The multifunction printer may further include an image scanner for scanning photographs (see Background and column 13, lines 40-50).

Itkis discloses a bingo system including a terminal for collecting bingo fees authorizing a bingo player to participate in a bingo game. The terminal includes a barcode reader for reading a barcode on a receipt printed by the terminal. The terminal reads the barcode to determine whether the player is due any winnings or prizes (see paragraphs 48-50).

I. With respect to claims 1 and 7-10, Narusawa (6,947,171) and Itkis (2002/0094860) fail to teach each and every element of the claimed invention.

Neither reference discloses a barcode reader for reading barcode labels, receipt data reflecting a sale of products, or communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable

during the sale of the products completed by the transaction computer.

Narusawa discloses an image scanner. The Office still maintains that an image scanner is a barcode reader. However, one skilled in the art would recognize that this is not necessarily the case. Narusawa fails to disclose use of the image scanner as a barcode reader.

While Itkis discloses a barcode reader, Itkis fails to disclose use of the barcode reader to read barcodes on products for sale. The barcode reader of Itkis reads barcode labels on receipts given in return for fees paid to participate in a bingo game. The barcode is directed to identifying bingo prizes owed to the bearer of the receipt.

With respect to claim 1, the references fail to disclose

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 7, the references fail to disclose

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 8, the references fail to disclose

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including ...

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the sale of the products completed by the transaction computer.

With respect to claim 9, the references fail to disclose

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the

separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

With respect to claim 10, the references fail to disclose

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

II. With respect to claims 1 and 7-10, the combination of Narusawa (6,947,171) with Itkis (2002/0094860) would destroy the intended function of the system of Narusawa (6,947,171).

Narusawa discloses a multifunction printer including a USB hub. The printer is a photograph printer. The scanner is an image scanner for scanning photographs.

The Office has suggested that one skilled in the art would be motivated to combine the receipt printer of Itkis with the multifunction printer of Narusawa.

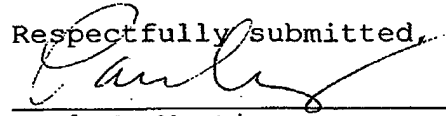
However, one skilled in the art would not be motivated to combine the receipt printer of Itkis into the multifunction printer of Narusuwa because it would destroy Narusuwa's intended function of printing photographs. One skilled in the art would recognize that printers have specialized purposes - printers for printing photographs, such as color inkjet printers, are not suited for printing receipts at a checkout station, and printers for printing receipts at a checkout station, typically thermal printers, are not suited for printing photographs. One skilled in the art would not be motivated to use a multifunction printer, whose primary purpose is printing photographs, at a checkout station where products are sold and where thermal printers are preferred.

Conclusion

Appellants respectfully submit that the Office has failed to establish a prima facie case of obviousness and that the rejection of claims 1 and 7-10 is improper.

Appellants further submit that claims 1 and 7-10 are allowable and respectfully request that the rejection of claims 1 and 7-10 by the Office be reversed by the Board.

Respectfully submitted,



Paul W. Martin
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(937) 445-2990

(viii) CLAIMS APPENDIX

1. A computer peripheral comprising:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

7. A computer peripheral comprising:

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products

between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

8. A transaction system comprising:

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the

sale of the products completed by the transaction computer.

9. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

10. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the

aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellant.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.